

INTERFERENCE DIGEST

Interference No. 105,601

Paper No.

Name: Robert W. Esmond, et al.

Serial No.: 09/394,712

Patent No.

Title: Method for treating or preventing alzheimer's disease

Filed: 09/13/99

Interference with Landreth et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Michael P. Tierney
Telephone: 571-272-4683
Facsimile: 571-273-0042

MAILED

OCT 29 2007

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: ESMOND
Application No.: 09/394,712
Filed: 09/13/99
For: Method for treating or preventing alzheimer's
disease

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,601.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Michael P. Tierney/
MICHAEL P. TIERNEY
Administrative Patent Judge

Paper 1

Mail Stop Interference
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Filed 29 October 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT W. ESMOND, JACK R. WANDS
and SUZANNE DE LA MONTE
Junior Party
(U.S. Patent Application 09/394,712),

v.

GARY LANDRETH, COLIN COMBS, JERRY SILVER,
and MICHAEL T. FITCH
Senior Party
(U.S. Patent 6,191,154).
Patent Interference No. 105,601 (MPT)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part A. Declaration of interference
2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue application
4 (if any), count(s) and claims designated as corresponding or as not corresponding
5 to the count(s) appear in Parts E and F of this DECLARATION.

6 Part B. Judge managing the interference

7 Administrative Patent Judge Michael P. Tierney has been designated to
8 manage the interference. Bd. R. 104(a).

9 Part C. Standing order

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 Part D. Initial conference call

13 A telephone conference call to discuss the interference is set for **2:00 p.m.**
14 on **December 19, 2007** (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the

- 1 schedule prior to the conference call and to agree on dates for taking action. A
- 2 typical motion period lasts approximately eight (8) months. Counsel should be
- 3 prepared to justify any request for a shorter or longer period.

4

5 Part E. Identification and order of the parties

6 Junior Party

Senior Party

Named Inventors: GARY LANDRETH, OH
COLIN COMBS, OH
JERRY SILVER, OH
MICHAEL T. FITCH, OH

Involved Patent: U.S. Pat. 6,191,154, issued on February 20, 2001 based upon U.S. Application 09/200,700, filed November 27, 1998

Title: COMPOSITIONS AND METHODS FOR THE TREATMENT OF ALZHEIMER'S DISEASE, CENTRAL NERVOUS SYSTEM INJURY, AND INFLAMMATORY DISEASES

Assignee: Case Western Reserve University

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

A method according to Claim 1 of U.S. Patent 6,191,154 wherein the γ agonist is BRL 49653.

1 The claims of the parties are:

2 Esmond: Claims 22-24, 28-29, 31 and 33

3 Landreth: Claims 1-18

4

5 The claims of the parties which correspond to Count 1 are:

6 Esmond: Claims 22-24, 28-29, 31 and 33

7 Landreth: Claims 1-10

8

9 The claims of the parties which do not correspond to Count 1, and therefore

10 are not involved in the interference, are:

11 Esmond: None

12 Landreth: Claims 11-18

13

The parties are accorded the following benefit for Count 1:

Esmond: None
Landreth: None

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

ROBERT W. ESMOND, JACK R. WANDS
and SUZANNE DE LA MONTE
Junior Party
(U.S. Patent Application 09/394,712),

V.

GARY LANDRETH, COLIN COMBS, JERRY SILVER,
and MICHAEL T. FITCH
Senior Party
(U.S. Patent 6,191,154).

Patent Interference No. 105,601 (MPT)
(Technology Center 1600)

1 Part H. Order form for requesting file copies

3 When requesting copies of files, use of SO Form 4 will greatly expedite

4 processing of the request. Please attach a copy of Parts E and F of this

5 DECLARATION with a hand-drawn circle around the patents and applications for

6 which a copy of a file wrapper is requested.

/Michael P. Tierney/
Administrative Patent Judge

15 Enc:

Copy of STANDING ORDER

Copy U.S. Patent 6,191,154

Copy of claims of U.S. App. 09/394,712

20 Revised 3 January 2006

1 cc (via overnight delivery):

2

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4

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